

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

USAMA J. HAMAMA, et al.,

Petitioners,
vs.

Case No. 17-cv-11910
HON. MARK A. GOLDSMITH

REBECCA ADDUCCI, et al.,

Respondents.

ORDER
MODIFYING THE COURT’S NOVEMBER 20, 2018 OPINION & ORDER GRANTING
PETITIONERS’ RENEWED MOTION FOR PRELIMINARY INJUNCTION

In accordance with the Court’s March 12, 2019 Order (Dkt. 532), the Court modifies its November 20, 2018 Opinion and Order granting Petitioners’ renewed motion for preliminary injunction to include the following:

1. Respondents shall provide to Class Counsel the following information in biweekly data disclosures, due every other Wednesday:
 - a. ICE disclosures:
 - i. For all detained class members: detention location.
 - ii. For all newly detained class members: date detention started; expected recipient for A-File and ROP; whether or not class member has designated class counsel to receive A-File and or ROP
 - iii. Detainees ineligible for bond hearings
 - iv. Removals and releases from custody
 - b. EOIR disclosure for all previously, currently, or newly detained class members:
 - i. Full name
 - ii. Birthdate
 - iii. A-Number
 - iv. “Comp_date”
 - v. IJ “Base city name”
 - vi. Hearing location name
 - vii. BIA Appeals: Date filed, decision, decision date

- viii. IJ Motion to Reopen/Reconsider: Date filed, disposition, decision date, base city
 - ix. BIA Motion to Reopen: Date filed, disposition, decision Date
 - x. IJ Motion for stay: Date filed, disposition, decision date, city
 - xi. Bond: Hearing Date, Immigration Court, Immigration Judge, Decision, Amount, Date Appeal Filed, Date Appeal decided, appeal decision
 - xii. Immigration Court Attorney: Name, E-28 Date, Address, City, State, Zip, Phone
 - xiii. Board Attorney: Name, E-27 Date, Address, City, State, Zip, Phone
2. Respondents shall provide to Class Counsel the following information within the time frames set out below:
- a. Consular interviews: seven days advance notice of all future class member consular interviews that are scheduled/conducted, including:
 - i. the names of class members
 - ii. if consular interviews are being facilitated by detainee transfers, the approximate number of class members being transferred;
 - iii. the facility where consular interviews are being conducted
 - iv. the anticipated date(s) of arrival
 - v. the anticipated date(s) of the consular interviews.
 - b. Updated disclosures for removal efforts related all Iraqi nationals: within 1 business day of coming into possession of further responsive information, for any Iraqi national, including but not limited to class members in this case, whom Respondents seek to repatriate, and who have been interviewed by Iraqi governmental officials for repatriation:
 - i. A list of the names and A-numbers, noting which individuals are known to Respondents to have agreed or declined to be repatriated and how this is known;
 - ii. The date the individual was interviewed by Iraqi officials, and if known, the date the individual was asked about his or her willingness to be removed to Iraq;
 - iii. Whether Iraq has issued travel documents for those individuals;
 - iv. The individual's estimated date of removal to Iraq;
 - v. Copies of all documents agreeing or declining to return to Iraq that are in Respondents' possession;
 - vi. Copies of all travel documents issued; and
 - vii. Copies of the Respondents' request(s) to Iraq for travel documents and of Iraq's response(s).
 - c. Scheduled initial bond hearings: as soon as practicable after they are scheduled.
 - d. Hunger strikers: within three business days from when Respondents collect information that a hunger strike has started.

3. If Respondents failed to make any of the above disclosures from December 1, 2018 to the present, due to the government shutdown or for any other reason, such disclosures shall be made by March 18, 2019.
4. Respondents shall continue to produce A-Files and ROPs as follows:
 - a. For class members detained prior to January 11, 2018, both A-Files and ROPs shall be produced no later than February 15, 2019. For all class members detained on January 11, 2018 or later, both A-Files and ROPs shall be produced no later than five weeks after the initial date of detention.
 - b. Respondents shall inform Petitioners when and to whom each such production is made.
 - c. If this Court's July 24, 2017 Opinion & Order (Dkt. 87) is vacated due to issuance of the mandate in Hamama v. Adducci, No. 17-2171 (6th Cir. 2019), then Respondents shall no longer be required to produce A-files or ROPs for any newly detained class members. However, in light of Respondents' delay in production and Petitioners' reliance interest on the timely production required by this Court's prior orders, all then-pending A-files and ROPs shall be produced.

SO ORDERED.

Dated: March 13, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge